

REMARKS

Claims 30-33 are pending in the above-referenced application and claims 30 and 32 have been amended herein. In addition, claim 33 has been cancelled. In the Office Action, the Examiner has rejected claims 30-33 under 35 U.S.C. §112, second paragraph as being indefinite. The rejection is hereby traversed and reconsideration is respectfully requested, particularly in view of the clarifying amendments to claims 30 and 32.

The Examiner has rejected claims 30-33 as lacking proper antecedent basis. Claim 30 has been amended to replace "a upper cutting portion" with "a first cutting portion" and replace "a lower cutting portion" with "a second cutting portion", thereby providing proper antecedent basis for claims 30-32. No new matter has been added and Applicants respectfully request withdrawal of the 35 U.S.C. §112, second paragraph rejection by the Examiner.

The Examiner has also rejected claims 30-33 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,570,978 to Rees et al. Rees is directed to a high performance cutting tool for drilling complex holes in a work piece comprising a body having a shank for rotating the tool with a drilling machine, an intermediate flute portion having a plurality of straight flutes formed thereon, and a forward nose portion. A unitary insert having a plurality of cutting edges formed thereon is received in the slot formed in the cutter tool so as to be driven thereby in a manner which permits cutting of a complex hole in a work piece.

Rees does not disclose each and every aspect of the claimed device, as presently recited in amended claim 30. Rees does not disclose or suggest "each of said first and second cutting portions are defined in part by at least two helical cutting flutes extending symmetrically thereabout" as recited in amended claim 30

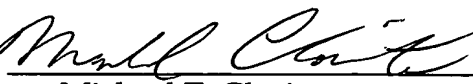
and shown in Figs. 8-10 of the present application. Instead, Rees discloses a pair of generally straight, longitudinally extending flutes through which lubricant may be injected. (See Col. 3, lines 44-52).

Since Rees does not disclose helical cutting flutes, the reference cannot anticipate claim 30, and Applicants respectfully request withdrawal of the rejection, for at least these reasons.

In view of the amendments to the claims and the remarks above, it is respectfully submitted that independent claim 30 is allowable. Each dependent claim adds further limitations to claim 30, and, therefore, further distinguishes this invention from the cited art. Since claims 31-32 depend directly from claim 30, these claims are likewise patentable over the cited reference and an early action to that effect is earnestly solicited. Should any matter remain unresolved after the entry of this amendment, the Applicants respectfully request the Examiner to contact the Applicants' representative at the phone number listed below.

Please charge any deficiencies in fees that are associated with filing this amendment to our Deposit Account No. 13-0235.

Respectfully submitted,

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"Version with markings to show changes made"

Claim 30

30. (Amended) A rotary cutting tool for generating slots in die boards comprising:

[an upper] a first cutting portion defining a first outer diameter and a [lower] second cutting portion defining a second outer diameter extending from and coaxial with said first cutting portion; [and wherein]

said second cutting portion [defines] defining a generally cylindrical, outer peripheral surface; and wherein

each of said first and second cutting portions are defined in part by at least two helical cutting flutes extending longitudinally.

Claim 32

32. (Amended) A rotary cutting tool as defined by claim 30 wherein said first and second cutting [sections] portions are each generally cylindrical.

Claim 33

Please cancel claim 33.